



OFFICE OF
INSURANCE COMMISSIONER

EMERGENCY ORDER NO. 20-04

**TO: ALL PERSONS SUBJECT TO REGULATION BY OFFICE OF THE
INSURANCE COMMISSIONER**

FROM: MIKE KREIDLER, INSURANCE COMMISSIONER

RE: EXPANDING AND CLARIFYING PRIOR EMERGENCY ACTIONS

PURSUANT TO RCW 48.02.060(4), the Insurance Commissioner of the state of Washington (“Insurance Commissioner”) orders all health carriers as defined in RCW 48.43.005(27), and RCW 48.43.740(2)(b), in Washington State that are regulated by the Insurance Commissioner (hereafter “Regulated Entities”), as follows:

- A. All Regulated Entities offering standalone dental plans certified by the Health Benefit Exchange as qualified dental plans (hereafter “Dental Plans”) in effect or expiring during the period of Governor Inslee’s Proclamation 20-05, must allow a grace period for payment of premiums no less than sixty (60) days. If a Regulated Entity chooses to allow a grace period longer than sixty days, such grace period must be applied uniformly to all Dental Plans and to all enrollees within any given plan. Regulated Entities must pay all claims for services that are rendered to enrollees during the first thirty days of the grace period, that are covered under the terms of the health plan and current law then in effect, including any emergency orders issued by any branch or instrumentality of the State of Washington or the federal government. Regulated Entities may delay adjudicating claims for services rendered to enrollees during the remainder of the grace period. Any communication from Regulated Entities addressed to enrollees and/or the plan sponsors during the grace period must clearly state the enrollee’s and/or plan sponsor’s obligation to pay back premiums or result in the enrollee potentially being subject to billing from health care providers for unpaid claims for services rendered to enrollees after the first thirty days of the grace period, and must clearly state the Regulated Entity’s obligations during the grace period, in light of the state of emergency and emergency orders issued by the Governor or the Office of the Insurance Commissioner.
- B. For health carriers as defined in RCW 48.43.005(27), Emergency Order 20-02, issued by the Insurance Commissioner on March 24, 2020, the language below, from Part E of said Emergency Order is amended to read as follows:

For individual and group health plans, other than qualified health plans purchased by individuals receiving an advanced premium tax credit through the Health Benefit Exchange,

Emergency Order No. 20-04

Re: Expanding and Clarifying Prior Emergency Actions

Page 2 of 3

in effect or expiring during the period of Governor Inslee's Proclamation 20-05, Regulated Entities must allow a grace period for payment of premiums no less than sixty (60) days. If a Regulated Entity chooses to allow a grace period longer than sixty days, such grace period must be applied uniformly to all health plans and to all enrollees within any given health plan. Regulated Entities must pay all claims for services that are rendered to enrollees during the first thirty days of the grace period, that are covered under the terms of the health plan and current law then in effect, including any emergency orders issued by any branch or instrumentality of the State of Washington or the federal government. Regulated Entities may delay adjudicating claims for services rendered to enrollees during the remainder of the grace period. Any communication from Regulated Entities addressed to enrollees or the plan sponsor during the grace period must clearly state the enrollee or plan sponsor's obligation to pay back premiums or potentially result in the enrollee being subject to billing from health care providers for unpaid claims for services rendered to enrollees after the first thirty days of the grace period, and must clearly state the Regulated Entity's obligations during the grace period, in light of the state of emergency and emergency orders issued by the Governor or the Office of the Insurance Commissioner.

BASIS

1. February 29, 2020, Governor Inslee issued Proclamation 20-05 declaring an emergency related to the COVID-19 outbreak. The proclamation provides in pertinent part as follows (emphasis added):
I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak.
2. The COVID-19 outbreak has harmed or threatened to harm the property, safety and welfare of Washington citizens who have been rendered ill or whose lives or employment have been otherwise disrupted by the COVID-19 outbreak in the state of Washington.
3. The geographical extent of this state of emergency is the entire state of Washington.
4. RCW 48.02.060(4) provides in pertinent part that, when the Governor proclaims a state of emergency under RCW 43.06.010(12), the Insurance Commissioner may issue an order that addresses any or all of the following matters related to insurance policies issued in this state: (b) grace periods for payment of insurance premiums and performance of other duties by insureds; (c) temporary postponement of cancellations or nonrenewals, and (d) medical coverage to ensure access to care.
5. RCW 48.02.060(5) provides that an order by the Insurance Commissioner under subsection (4) of this section may remain effective for not more than sixty (60) days unless the

Emergency Order No. 20-04

Re: Expanding and Clarifying Prior Emergency Actions

Page 3 of 3

Insurance Commissioner extends the termination date for the order for an additional period of not more than thirty (30) days. The Insurance Commissioner may extend the order if, in the Insurance Commissioner's judgment, the circumstances warrant an extension. An order of the Insurance Commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the Governor under RCW 43.06.210. The order must specify, by line of insurance: (a) the geographic areas in which the order applies, which must be within but may be less extensive than the geographic area specified in the Governor's proclamation of a state of emergency and must be specific according to an appropriate means of delineation, such as the United States postal service zip codes or other appropriate means; and (b) the date on which the order becomes effective and the date on which the order terminates.

6. Emergency action by the Insurance Commissioner is necessary to protect the property, safety and welfare of Washington citizens affected by the COVID-19 outbreak in the state of Washington.

ORDER

NOW, THEREFORE, the Insurance Commissioner hereby activates the provisions of RCW 48.02.060(4)(b), (c) & (d) in order to protect the property, safety and welfare of Washington citizens affected by the COVID-19 outbreak in the state of Washington, as set forth above. The geographical extent of this Emergency Order is the entire state of Washington.

This Order shall remain in effect until May 23, 2020, subject to the further order of the Insurance Commissioner extending its effect.

THIS ORDER IS EFFECTIVE IMMEDIATELY AND IS ENTERED at Olympia, Washington, this 3rd day of April, 2020.



MIKE KREIDLER
Insurance Commissioner